

MONTANA LEGISLATIVE HISTORY

Chapter 262 ²⁰⁰³
19

Bill H 731 S

Original bill & history ☒ c

H. Committee on State Ad

S. Committee on State Ad

Hearing Date(s) 3/17 c

Hearing Date(s) 2/25 c

3/25 c

2/26 c

c

c

c

c

Date Out c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee

Report

Bill Draft Number: LC2161**Bill Type - Number:** HB 731**Short Title:** Increase retirement benefit for volunteer firefighters**Primary Sponsor:** Larry Lehman**Bill Actions - Current Bill Progress:** Became Law**Bill Action Count:** 46

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	04/09/2003			
(H) Signed by Governor	04/09/2003			
(H) Transmitted to Governor	04/04/2003			
(S) Signed by President	04/03/2003			
(H) Signed by Speaker	04/03/2003			
(H) Returned from Enrolling	04/02/2003			
(C) Sent to Printing	04/02/2003			
(H) Sent to Enrolling	04/02/2003			
(S) Returned to House	04/01/2003			
(S) 3rd Reading Concurred	04/01/2003	45	5	
(S) Scheduled for 3rd Reading	04/01/2003			
(S) 2nd Reading Concurred on Voice Vote	03/31/2003	49	1	
(S) Scheduled for 2nd Reading	03/31/2003			
(S) Scheduled for 2nd Reading	03/29/2003			
(S) Committee Report--Bill Concurred	03/25/2003			(S) State Administration
(S) Committee Executive Action--Bill Concurred	03/25/2003	4	0	(S) State Administration
(S) Hearing	03/17/2003			(S) State Administration
(S) Referred to Committee	03/07/2003			(S) State Administration
(S) First Reading	03/07/2003			
(H) Transmitted to Senate	02/28/2003			
(H) 3rd Reading Passed	02/28/2003	94	3	
(H) Scheduled for 3rd Reading	02/28/2003			
(H) Fiscal Note Printed	02/26/2003			
(C) Sent to Printing	02/26/2003			
(H) Committee Report--Bill Passed as Amended	02/26/2003			(H) State Administration
(H) Placed on Consent Calendar	02/26/2003			

(H) Fiscal Note Received	02/25/2003		
(H) Hearing	02/25/2003		(H) State Administration
(H) Committee Executive Action--Bill Passed as Amended	02/25/2003	19	0 (H) State Administration
(C) Introduced Bill Text Available Electronically	02/21/2003		
(H) Referred to Committee	02/21/2003		(H) State Administration
(H) First Reading	02/21/2003		
(H) Fiscal Note Requested	02/21/2003		
(H) Introduced	02/21/2003		
(C) Draft Delivered to Requester	02/21/2003		
(C) Draft Ready for Delivery	02/20/2003		
(C) Draft in Assembly/Executive Director Review	02/20/2003		
(C) Draft in Final Drafter Review	02/20/2003		
(C) Bill Draft Text Available Electronically	02/19/2003		
(C) Draft in Input/Proofing	02/19/2003		
(C) Draft to Drafter - Edit Review [CAJ]	02/19/2003		
(C) Draft in Edit	02/19/2003		
(C) Draft in Legal Review	02/18/2003		
(C) Draft to Requester for Review	02/18/2003		
(C) Fiscal Note Needed	02/13/2003		
(C) Draft Request Received	02/13/2003		

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name Mi
Requester	(H) State Administration Standing Committee	
Drafter	Heffelfinger	Sheri
By Request Of	(H) State Administration Standing Committee	
Primary Sponsor	Lehman	Larry

Subjects

Description	Revenue/Approp. Vote Majority Req.	Subject Code
Retirement (see also: Senior Citizens)	Simple	RETR
Fires and Fire Protection	Simple	FIRE

Additional Bill Information

Probable Fiscal Note: Yes

Preintroduction Required: N

Session Law Ch. Number: 262

DEADLINE

Category: General Bills

Transmittal Date: 02/28/2003

Return (with 2nd house amendments) Date: 04/05/2003

Section Effective Dates

Section(s) Effective Date Date Qualified

All Sections 01-JUL-03

HOUSE BILL NO. 731

INTRODUCED BY L. LEHMAN

BY REQUEST OF THE HOUSE STATE ADMINISTRATION STANDING COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN INCREASED PENSION BENEFIT TO MEMBERS UNDER THE VOLUNTEER FIREFIGHTERS' COMPENSATION ACT WHO HAVE COMPLETED MORE THAN 20 YEARS OF SERVICE; AMENDING SECTIONS 19-17-401 AND 19-17-404, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 19-17-401, MCA, is amended to read:

"19-17-401. Eligibility for pension and disability benefits. (1) To qualify for a full pension, partial pension, and or disability benefits benefit under this chapter, a member shall meet the requirements of subsections (2) or (3) and (4).

(2) (a) For a full pension benefits benefit, a member must have completed ~~at least 20 years~~ years of service and must have attained 55 years of age, but need not be an active member of a fire company when 55 years of age is reached.

(b) A member who is prevented from completing at least 20 ~~years~~ years of service may qualify for a partial pension benefits benefit if the member has completed at least 10 ~~years~~ years of service and has attained 60 years of age, but need not be an active member of any fire company when 60 years of age is reached.

(3) An active member of a fire company whose duty-related injury results in permanent total disability, as defined in 39-71-116 and determined pursuant to 19-17-410, is eligible, regardless of age or service, to receive a disability benefit.

(4) Except as provided in subsection (5):

(a) to receive a pension or disability benefit, a volunteer firefighter may not be an active member of any fire company; and

(b) a volunteer firefighter who receives a pension or disability benefit

under this chapter may not become an active member of any fire company.

(5) In the event of a declared national, state, or local emergency affecting Montana, a retired volunteer firefighter who is not receiving a disability benefit under this chapter may return to active service with a fire company for the duration of the declared emergency without becoming an active member under the Volunteer Firefighters' Compensation Act and the volunteer firefighters' pension plan and without loss of previously earned benefits. Only the fire chief of the fire company may determine who may return to active service. The fire chief shall prescribe the duties of any retired volunteer firefighter returning to active service."

Section 2. Section 19-17-404, MCA, is amended to read:

"19-17-404. **Amount of pension and disability benefits.** (1) ~~(a)~~ Each eligible member must receive a pension and or disability benefits benefit as provided in this section.

~~————(b)(2)~~ (a) ~~The base~~ Except as provided in subsection (2)(c), the full pension benefit paid to eligible members is \$150 a month ~~for members who are eligible for full pension benefits.~~

~~————(e)(b)~~ Partial ~~A partial pension benefits are benefit is~~ benefit is calculated by multiplying the full pension benefit in subsection ~~(1)(b)~~ (2)(a) by a fraction, the numerator of which is the eligible member's years of service and the denominator of which is 20.

(c) The full pension benefit of a member who has completed 20 years of service and is at least 55 years of age, but no more than 65 years of age, and who continues to be an active member must be increased by \$7.50 a month for each additional year of active service.

~~————(2)(3)~~ The disability benefit paid to an eligible members member is calculated in the same manner as partial pension benefits described in subsection ~~(1)(e)~~ (2)(b), except that the numerator may not be less than 10.

~~————(3)(4)~~ If any fraudulent change or any inadvertent mistake in records results in any member, surviving spouse, or dependent child receiving more or less

than entitled to, then on the discovery of the error, the board shall correct the error and adjust the payments to the member, surviving spouse, or dependent child in an equitable manner."

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2003.

- END -

FISCAL NOTE

Bill #: HB0731

Title: Increase retirement benefit for volunteer firefighters

Primary Sponsor: Lehman, L

Status: As Introduced

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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Fiscal Summary

	<u>FY 2004 Difference</u>	<u>FY 2005 Difference</u>
Expenditures:		
General Fund	\$0	\$0
Revenue:		
General Fund	\$0	\$0
Net Impact on General Fund Balance:	\$0	\$0

- | | |
|---|--|
| ☐ Significant Local Gov. Impact | ☐ Technical Concerns |
| ☐ Included in the Executive Budget | ☐ Significant Long-Term Impacts |
| ☐ Dedicated Revenue Form Attached | ☐ Needs to be included in HB 2 |

Fiscal Analysis

ASSUMPTIONS:

1. There is no fiscal impact to MPERA.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DEBBY BARRETT**, on February 25, 2003
at 7 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Debby Barrett, Chairman (R)
Rep. Dee Brown, Vice Chairman (R)
Rep. Larry Jent, Vice Chairman (D)
Rep. Norman Ballantyne (D)
Rep. Arlene Becker (D)
Rep. Sue Dickenson (D)
Rep. Carol Gibson (D)
Rep. Hal Jacobson (D)
Rep. Ralph Lenhart (D)
Rep. Bernie Olson (R)
Rep. Pat Wagman (R)
Rep. Cindy Younkin (R)
Rep. Daniel S. Hurwitz (R)
Rep. Larry Lehman (R)
Rep. Alan Olson (R)
Rep. Don Roberts (R)
Rep. Clarice Schrupf (R)
Rep. Frank Smith (D)
Rep. Jonathan Windy Boy (D)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Joan Reiman, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Executive Action: HB's 599, 645, 651, 662, 680, 707 & 719.

Hearing and Date Posted: HJR 25, HB's 686, 655, 674, 687,
734, 715, 602, 692, 731 & 715 - 2/21/2003.

Executive Action: HJR's 25 & 28, HB's 715, 731, 687, 734,
686, 655, 692, 602, 674, 599, 651, 662, 680 719, 645, 707.

Results: HB's 651, 662, 602, 719, 734 & HJR 25 DO PASS;
HB's 599, 680, 687, 731 & HJR 28 DO PASS AS AMENDED;
HB'S 645, 655, 674, 692, 707 & 715 TABLED.

Tim Nash, Coalition for Community Responsibility, said the groups wanted special-class status.

{Tape: 2; Side: B; Approx. Time Counter: 27 - 44.6}

Informational Testimony: None

Questions from Committee Members and Responses:

REPS. BECKER, DICKENSON, GIBSON, LEHMAN, B. OLSON, SMITH and WINDY BOY had questions. **Sponsor** agreed the definition of whom the bill applied to is broad; heterosexuals could insure their partners under this. Employers would vary in evidence requested, but when dependents are added to insurance, employees are rarely asked for evidence, she said. **Mr. Olson** said that several federal departments offer this benefit, as do California and Vermont. Committee asked for a witness from the insurance industry, but there was none present. **Mr. Jones** said that the fiscal impact would require rate increases. He would also put nonsmokers in their own plan. He admitted pregnancy is costly, especially with complications. **Mr. Nash** said that heterosexuals have only 20-70% of the diseases that homosexuals have. **Sponsor** said costs would be low because enrollment rates are only about 1%, less than costs of covering spouses.

{Tape: 2; Side: B; Approx. Time Counter: 44.6 - 59}

Closing by Sponsor:

REP. BUZZAS addressed opponents' points. This does not advocate diminishing marriage. The religious exclusion would cover schools and even the Christian Coalition. This should help manage AIDS, and manage public health better. It is an equity issue, she testified.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 1.3}

HEARING ON HB 731

Sponsor: **REP. LARRY LEHMAN, HD 87**

Opening Statement by Sponsor:

REP. LEHMAN said this is a committee bill. Volunteer firefighters who are age 55, with more than 20 years' service, would get an increased pension benefit of \$7.50/mo for each additional year up to 30. Volunteers are decreasing; on Page 2, Lines 16-18 is the heart of the bill. He provided a copy of amendments.

EXHIBIT(sth42a15)

Proponents' Testimony:

John Semple, Montana Fire Alliance, supported the bill.

John Northey, Birdseye Volunteer Fire Department, said the amendments strike out age 65 and make it dependent on years of service.

Melanie Symons, PERS, said it would have no additional cost because of delays in those retiring.

{Tape: 3; Side: A; Approx. Time Counter: 8.8 - 11}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON HB 715

Motion: REP. YOUNKIN moved HB 715 DO PASS.

Motion/Vote: REP. YOUNKIN moved HB 715 BE TABLED. On a voice vote, motion carried 19-0. Voting by proxy was REP. ALAN OLSON; REP. WINDY BOY'S vote was cast verbally by VICE CHAIR JENT.

{Tape: 3; Side: A; Approx. Time Counter: 11.4 - 13}

EXECUTIVE ACTION ON HB 731

Motion: REP. YOUNKIN moved HB 731 DO PASS.

Motion: REP. YOUNKIN moved HB 731 AMENDMENTS.

Discussion: REP. BROWN asked if it was conceptual. Ms. Heffelfinger said they are not striking the word active.

Vote: On a voice vote, motion carried 19-0.

Motion: REP. YOUNKIN moved HB 731 DO PASS AS AMENDED. On a voice vote, motion carried 19-0. Voting by proxy was REP. ALAN OLSON; REP. WINDY BOY'S vote was cast verbally by VICE CHAIR JENT.

Motion/Vote: REP. B. OLSON moved HB 731 to THE CONSENT CALENDAR. On a voice vote, motion carried 19-0. Voting by proxy was REP. ALAN OLSON; REP. WINDY BOY'S vote was cast verbally by VICE CHAIR JENT.

{Tape: 3; Side: A; Approx. Time Counter: 13 - 16}

REP. A. OLSON returned to the room.

EXECUTIVE ACTION ON HB 687

Motion: REP. YOUNKIN moved HB 687 DO PASS.

Discussion: She said this is REP. NEWMAN's bill for MHP. The bill refers to HB 206; the funding can cover HB 687. REP. ALAN OLSON said they could do it on the floor as a conceptual amendment. Ms. Heffelfinger said they could do it before the second reading.

Motion/Vote: REP. YOUNKIN moved HB 687 AMENDMENTS TO COORDINATE WITH HB 206. On a voice vote, motion carried 19-0. REP. SMITH voted by proxy and REP. WINDY BOY'S vote was cast verbally by VICE CHAIR JENT.

Motion: REP. YOUNKIN moved HB 687 DO PASS AS AMENDED.

Discussion: REP. WAGMAN said this is not a fair bill. They need to judge on a sliding scale if disabled MHP can earn any income. REP. YOUNKIN pointed out that Line 15 says disability as a result of line-of-duty injury. She said there is a Social Security aspect; city police can qualify for SSI if injured. REP. LEHMAN said MHP could opt to join Social Security. REP. B. OLSON said that is costly.

Vote: On a roll call vote, motion carried 14-5. Voting no were CHAIRMAN BARRETT, REPS. BROWN, LEHMAN, B. OLSON, AND WAGMAN. REP. SMITH voted by proxy and REP. WINDY BOY'S vote was cast verbally by VICE CHAIR JENT.

{Tape: 3; Side: A; Approx. Time Counter: 16 - 25}

EXECUTIVE ACTION ON HB 734

Motion/Vote: REP. BROWN moved HB 734 DO PASS. On a voice vote, motion carried 19-0. REP. SMITH voted by proxy and REP. WINDY BOY'S vote was cast verbally by VICE CHAIR JENT.

Amendments to House Bill No. 731
1st Reading Copy

Requested by Representative Larry Lehman

For the House State Administration Committee

Prepared by Sheri Heffelfinger
February 25, 2003 (6:21am)

1. Page 2, line 17.

Strike: ", but no more than 65 years of age,"

2. Page 2, line 18.

Strike: "service"

Insert: "up to 30 years of service"

- END -

HOUSE OF REPRESENTATIVES
Roll Call
STATE ADMINISTRATION COMMITTEE

DATE

2/25/03

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. DEBBIE BARRETT, CHAIRMAN	✓		
REP. DEE BROWN, VICE CHAIR MAJORITY	✓		
REP. LARRY JENT, VICE CHAIR MINORITY	✓		
REP. NORMAN BALLANTYNE	✓		
REP. ARLENE BECKER	✓		
REP. SUE DICKENSON	✓		
REP. CAROL GIBSON			
REP. DAN HURWITZ	✓		
REP. HAL JACOBSON	✓		
REP. LARRY LEHMAN	✓		
REP. RALPH LENHART	✓		
REP. ALAN OLSON	✓		
REP. BERNIE OLSON	✓		
REP. DON ROBERTS	✓		
REP. CLARICE SCHRUMPF	✓		
REP. FRANK SMITH	✓		
REP. PAT WAGMAN	✓		
REP. JONATHAN WINDY BOY	✓		✓
REP. CINDY YOUNKIN	✓		

final
730



HOUSE STANDING COMMITTEE REPORT

February 25, 2003

Page 1 of 1

Mr. Speaker:

We, your committee on State Administration recommend that House Bill 731 (first reading copy -- white) do pass as amended and be placed on the consent calendar.

Signed:

Debby Barrett
Representative Debby Barrett, Chair

And, that such amendments read:

1. Page 2, line 17.

Strike: ", but no more than 65 years of age."

2. Page 2, line 18.

Following: "service"

Insert: "up to 30 total years of service"

- END -

Committee Vote:

Yes 19, No 0.

M. Peter

2/25 4:30 pm

421614SC.hhn

HOUSE OF REPRESENTATIVES
Roll Call Vote
STATE ADMINISTRATION COMMITTEE

DATE 2/25/03 BILL NO HB 719 MOTION NO. _____
MOTION: DO PASS

NAME	AYE	NO	ABSENTEE
REP. DEBBIE BARRETT, CHAIRMAN	✓		
REP. DEE BROWN, VICE CHAIR MAJORITY	✓		
REP. LARRY JENT, VICE CHAIR MINORITY		✓	
REP. NORMAN BALLANTYNE		✓	
REP. ARLENE BECKER		✓	
REP. SUE DICKENSON		✓	
REP. CAROL GIBSON		✓	
REP. DAN HURWITZ	✓		
REP. HAL JACOBSON		✓	
REP. LARRY LEHMAN	✓		
REP. RALPH LENHART		✓	
REP. ALAN OLSON	✓		
REP. BERNIE OLSON	✓		
REP. DON ROBERTS	✓		
REP. CLARICE SCHRUMPF	✓		
REP. FRANK SMITH		✓	
REP. PAT WAGMAN	✓		
REP. JONATHAN WINDY BOY		✓	
REP. CINDY YOUNKIN	✓		

proxy

MINUTES

MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **SEN. KELLY GEBHARDT**, on March 17, 2003 at 3:10 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. John Cobb, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Kelly Gebhardt (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pat Murdo, Legislative Branch
Mona Spaulding, Committee Secretary
Rebecca Sattler, Transcription of Minutes

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 686, 3/7/2003; HB 731,
3/7/2003; HB 523, 2/28/2003;
HB 599, 3/7/2003;

Executive Action: HJR 24, Be Concurred In;
HJR 28, Be Concurred In

HEARING ON HB 686

Sponsor: REP. BOB BERGREN, HD 90, HAVRE

Opening Statement by Sponsor:

REP. BERGREN said HB 686 rectifies a codification error. The Police Retirement system created a deferred retirement option plan that went into effect last session. The eligibility date became due on July 1, 2002, but through a codification error none of the members were allowed to participate. HB 686 establishes retroactivity from 7/1/02 to 7/1/03.

Proponents' Testimony:

Ken Dove, Sergeant, Billings Police Department, said he was representing the 5,000 member of the Montana Police Protection Association and presented a fact sheet on the Association.

EXHIBIT(sts56b01)

Melonie Symons, Attorney, Public Employees Retirement Board, said the Board supports HB 686 and read her written testimony.

EXHIBIT(sts56b02)

Tom Schnieder, Montana Public Employees Association (MPEA), stood in support of HB 686 on behalf of the police officers MPEA represents.

Opponents' Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

REP. BERGREN thanked the Committee and closed on HB 686.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 4.5}

HEARING ON HB 731

Sponsor: REP. LARRY LEHMAN, HD 87, POWER

Opening Statement by Sponsor:

REP. LEHMAN said HB 731 addresses a retention problem in volunteer fire departments. He said volunteerism is down in Montana and nation-wide. Without young volunteers coming into the programs, it is necessary to retain people who are retiring or eligible to retire. HB 731 allows any member of a volunteer fire department with 20 years service, or reaching age 55, to continue service up to a maximum of 30 years. For that additional service, the volunteer's retirement would increase by \$7.50 per month after age 55 or up to 30 years.

{Tape: 1; Side: A; Approx. Time Counter: 4.5 - 7.3}

Proponents' Testimony:

Melanie Symons, Legal Counsel, Montana Public Employees Retirement Association (MPERA), read her written testimony in support of HB 731.

EXHIBIT (sts56b03)

John Semple, Montana Fire Alliance (MFA), comprised of volunteer firefighter entities within the State. He said MFA supports HB 731.

John Northey, Legal Council, Legislative Audit Division, representing only the Birdseye Volunteer Fire Department. He stood in support of HB 731. He said it provides some additional incentive to keep experienced people on the job.

Opponents' Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

REP. LEHMAN said HB 731 would enhance membership for volunteer fire departments. He thanked the Committee.

{Tape: 1; Side: A; Approx. Time Counter: 7.3 - 9.7}

HEARING ON HB 523

Sponsor: REP. JOE BALYEAT, HD 32, BOZEMAN

EXHIBIT 3
DATE 3/17/03
HB 731

House Bill 731
Increased Pension Benefit to Certain Members
Covered by the Volunteer Firefighters' Compensation Act

Testimony of the Montana Public Employees' Retirement Board
Melanie Symons, Legal Counsel

The Montana Public Employees' Retirement Board supports this legislation.

This bill meets the needs of Volunteer Fire Companies by permitting them to retain experienced volunteer firefighters while encouraging volunteer firefighters to continue serving their company. The proposed amendment further supports these goals.

There is no cost to this bill as it is actuarially funded. The Board urges a "do pass".

DATE 3/17/03

SENATE COMMITTEE ON STATE ADMINISTRATION

BILLS BEING HEARD TODAY: HB 523, 599

686, 731

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Tom Schneider	442-4600	MPERA	HB686	X	
Dwight Hubbard	444-2012	COPP	HB523	chgo	
Jim Schelen	444-2026	COPP	HB523	chgo	
John Shontz	2-6520	MNA	S23		X
Jim Fall	3-2850	MNA	S23		X
Melanie Symons	4-9174	MPERA	HB686	X	
Ken Dore	670-1098	MPFA	HB686	X	
Melanie Symons	4-9174	MPERA	HB731	X	
John Sample	443-7487	MT Fire Alliance	HB731	X	
George Foxworth	202-9093	MCU	HB523		X
John W. Dwyer	442-2666	Bridges N.H. Twp. Jy.	HB731	✓	
Harold Blatter	442-5209	MAC	HB599		X
Don Judge	442-2868	MT claph Sierra Club	HB523		X

BRAD MARTIN 442 9520 MT Dore center Party HB523 INFO

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **SEN. MIKE WHEAT**, on March 24, 2003 at 3:35
P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. John Cobb, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Kelly Gebhardt (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pat Murdo, Legislative Branch
Mona Spaulding, Committee Secretary
Rebecca Sattler, Transcription of Minutes

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 431, 3/21/2003
Executive Action: HB 731, Be Concurred In;
HB 686, Be Concurred In;
HB 532, Be Concurred In As Amended;
HB 680, Action Deferred
HB 218, Be Concurred In As Amended;
HB 468, Be Concurred In;
HB 253, Be Concurred In As Amended;
HB 599, Brought Back to Committee

SEN. GEBHARDT asked if the plan is to take the highest bid and have the local government match that bid. **Ralph DeCunzo** said that was the intent.

Closing by Sponsor:

REP. LAWSON closed, saying that his goal is to not cost the State any money, but to give the City of Whitefish or other cities the right of first refusal.

{Tape: 1; Side: A; Approx. Time Counter: 22.7 - 25.3}

The Committee continued to discuss the issues and codes regarding HB 431.

EXECUTIVE ACTION ON HB 731

Motion: **SEN. COBB** moved that HB 731 BE CONCURRED IN.

Discussion:

SEN. COBB stated that this bill allows volunteer firemen to continue working past 20 years; there is a need for more people.

Vote: Motion carried unanimously by voice vote.

{Tape: 1; Side: A; Approx. Time Counter: 25 - 30}

SEN. GEBHARDT will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 686

Motion: **SEN. COBB** moved that HB 686 BE CONCURRED IN.

Discussion:

The Committee discussed that this is **REP. BERGREN's** bill. It will allow certain police officers to transfer to a different retirement system; they were left out last session. Nobody in the retirement system had a problem with the bill.

Vote: Motion carried unanimously by voice vote.

SEN. COBB will carry the bill on the Senate floor.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 4.6}

ROLL CALL

SENATE COMMITTEE: State Administration

DATE: March 24, 2003

NAME	PRESENT	ABSENT	EXCUSED
Senator John Cobb, Chairman	X		
Senator Mike Sprague, Vice Chairman	X		
Senator Kelly Gebhardt	X		
Senator Carolyn Squires	X		
Senator Mike Wheat	X		
Pat Murdo, Legislative Services	X		
Mona Spaulding, Secretary	X		



SENATE STANDING COMMITTEE REPORT

March 25, 2003

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Mr. President:

We, your committee on **State Administration** recommend that **House Bill 731** (third reading copy -- blue) **be concurred in.**

Signed: _____

A handwritten signature in cursive script, reading "John Cobb", is written over a horizontal line.

Senator John Cobb, Chair

To be carried by Senator Kelly Gebhardt

- END -

Committee Vote:
Yes 4, No 0.

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Handwritten initials, possibly "SP", are located in the bottom right corner of the page.

2003 Montana Legislature

About Bill -- Links



HOUSE BILL NO. 731
INTRODUCED BY LEHMAN
BY REQUEST OF THE HOUSE STATE ADMINISTRATION STANDING COMMITTEE

AN ACT PROVIDING AN INCREASED PENSION BENEFIT TO MEMBERS UNDER THE VOLUNTEER FIREFIGHTERS' COMPENSATION ACT WHO HAVE COMPLETED MORE THAN 20 YEARS OF SERVICE; AMENDING SECTIONS 19-17-401 AND 19-17-404, MCA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 19-17-401, MCA, is amended to read:

"19-17-401. Eligibility for pension and disability benefits. (1) To qualify for a full pension, partial pension, ~~and or disability benefits~~ benefit under this chapter, a member shall meet the requirements of subsections (2) or (3) and (4).

(2) (a) For a full pension ~~benefits~~ benefit, a member must have completed ~~at least 20 years'~~ years of service and must have attained 55 years of age, but need not be an active member of a fire company when 55 years of age is reached.

(b) A member who is prevented from completing ~~at least 20 years'~~ years of service may qualify for a partial pension ~~benefits~~ benefit if the member has completed ~~at least 10 years'~~ years of service and has attained 60 years of age, but need not be an active member of any fire company when 60 years of age is reached.

(3) An active member of a fire company whose duty-related injury results in permanent total disability, as defined in 39-71-116 and determined pursuant to 19-17-410, is eligible, regardless of age or service, to receive a disability benefit.

(4) Except as provided in subsection (5):

(a) to receive a pension or disability benefit, a volunteer firefighter may not be an active member of any fire

company; and

(b) a volunteer firefighter who receives a pension or disability benefit under this chapter may not become an active member of any fire company.

(5) In the event of a declared national, state, or local emergency affecting Montana, a retired volunteer firefighter who is not receiving a disability benefit under this chapter may return to active service with a fire company for the duration of the declared emergency without becoming an active member under the Volunteer Firefighters' Compensation Act and the volunteer firefighters' pension plan and without loss of previously earned benefits. Only the fire chief of the fire company may determine who may return to active service. The fire chief shall prescribe the duties of any retired volunteer firefighter returning to active service."

Section 2. Section 19-17-404, MCA, is amended to read:

"19-17-404. Amount of pension and disability benefits. (1) ~~(a)~~ Each eligible member must receive a pension ~~and or disability benefits benefit~~ as provided in this section.

~~(b)(2)~~ ~~(a)~~ ~~The base~~ Except as provided in subsection (2)(c), the full pension benefit paid to eligible members is \$150 a month ~~for members who are eligible for full pension benefits.~~

~~(c)(b)~~ ~~Partial~~ A partial pension ~~benefits are~~ benefit is calculated by multiplying the full pension benefit in subsection ~~(1)(b)~~ (2)(a) by a fraction, the numerator of which is the eligible member's years of service and the denominator of which is 20.

(c) The full pension benefit of a member who has completed 20 years of service and is at least 55 years of age and who continues to be an active member must be increased by \$7.50 a month for each additional year of active service up to 30 total years of service.

~~(2)(3)~~ The disability benefit paid to an eligible member is calculated in the same manner as partial pension benefits described in subsection ~~(1)(c)~~ (2)(b), except that the numerator may not be less than 10.

~~(3)(4)~~ If any fraudulent change or any inadvertent mistake in records results in any member, surviving spouse, or dependent child receiving more or less than entitled to, then on the discovery of the error, the board shall correct the error and adjust the payments to the member, surviving spouse, or dependent child in an equitable manner."

Section 3. Effective date. [This act] is effective July 1, 2003.

- END -

Latest Version of HB 731 (HB0731.ENR)

Processed for the Web on April 2, 2003 (1:47pm)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

See the [status of this bill](#) for the bill's primary sponsor.

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Prepared by Montana Legislative Services

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